

REMARKS

Claims 1 through 6, 13, 16, 17, 19, 20, 22, 23, and 27 through 31 were rejected as anticipated by French (U.S. Patent 3,888,725). The Examiner contends that French discloses "at least two perforatable, weak locations being recesses, 101, having a bottom, 115, which can be perforated, 117, by a suitable tool to provide holes in a desired configuration." The rejection is, based on an incorrect premise. The plate 67 has apertures 101. A plate 115 has apertures 117 covering some but not all of the holes 101. Air can pass through only those holes 117 that are not blocked by the plate 115. There is no teaching in French of "an applicator surface . . . having spaced perforatable weak locations which can be selectively perforated to provide holes in a desired configuration" (claim 1); there is no teaching in French for "an applicator plate composed of perforatable material and having spaced perforatable locations, wherein only selected ones of the perforatable weak locations are perforated to provide holes through the plate in a desired configuration" (claim 27); and there is no teaching in French of "providing an applicator plate having spaced perforatable weak locations, and thereafter perforating only selected ones of the weak locations of the plate to form an operational surface of a desired configuration of holes through the plate" (claim 30). Necessarily the prior art has the same as well as additional failings as explained of record with respect to the dependent claims. In no way is any of the claims anticipated.

Claims 1 through 5, 13, 15, 18, and 25 were rejected as anticipated by Becker (U.S. Patent 6,182,957). The Examiner contends that "there are weak locations having a bottom which can be perforated by a tool which is made of a harder material than the

plate to provide holes through the plate in a desired configuration.” The Becker patent does not in fact have weak locations. First, it should be considered when reviewing the drawings of Becker, the entire apparatus is essentially constituted of transparent material. Second, the Becker apparatus has a upper flat plate 14 (FIG. 3) with regularly spaced through holes. Beneath the plate 14 is lower plate 16 (FIG. 5) with various channels. FIG. 1 shows the flat plate 14 and beneath it the lower plate 14. Because the plate 14 is transparent, one is able to see the underlying lower plate 16. FIG. 1 should have had flash lines showing that the plate 14 is transparent and, therefore, the underlying plate 16 is visible. The plates 14 and 16 form a chamber with various vacuum ports. There is no weakened location in Becker. In particular, the plate 14 is just a flat plate. In column 4, lines 57 through 60 it states: “The top plate 14 is a flat thin plate having a multiplicity of small closely spaced apertures extending therethrough, as shown in FIGS. 3 and 4 of the drawings.” [Emphasis added]. The Examiner has attributed to the Becker patent teachings it does not possess. Moreover, the rejected claims define clearly over Becker.

Claims 1 through 4, 6, 10, 13, 15 through 17, 19, 20, 22, 23 and 27 through 31 were rejected as unpatenable over Von Hofe (U.S. Patent 2,492,908) in view of Becker (U.S. Patent 6,182,957). The Von Hofe patent discloses a suction head 17 with a plate 30 that mounts a plate 36. There are a multiplicity of transverse, vertically-disposed passageways 37 which communicate with the section chamber. The plate 36 is a metal plate 39 against which a label A' is blown at the pick-up station 18. The plate 39 is provided with a plurality of transverse, vertically disposed passages 40 which extend therethrough and which are in alignment with the passageways 37. Secured intermediate the plates 36 and 39 is a

metal shim 41 to permit passage of air through only those passageways 37 and 40 which are contained in an area determined by the size and shape of the label A'. The shim 41 is cut out as shown at 42 in the exact size and configuration as the label A' as shown in FIG. 3. The area of the cut out 42 is the only area through which vacuum can exist because the outlying perforations are blocked. In the FIG. 5 version the shim has perforations which must be aligned with passageways in the plates 36 and 39 while the outlying passageways are blocked. There are no weakened areas in either Von Hofe or Becker and the teaching of perforatable weak locations is not taught in these references.


Claims 11 and 12 were rejected as unpatentable over Von Hofe in view of Becker and Tiefel (U.S. Patent 5,885,406). In that neither Von Hofe nor Becker teach the claimed applicator surface or applicator plate as explained above, the Tiefel patent does not cure their deficiencies.

Claims 14 and 24 were rejected as being unpatentable over Von Hofe in view of Becker and Wood (U.S. Patent 3,377,096) or Wilson (U.S. Patent 5,024,574). No amount of fastening of the components of Von Hofe or Becker (explained above) can result in a teaching useful in validly rejecting these claims.

Reconsideration of the rejected claims is earnestly solicited.

The allowance of claims 8, 9 and 25 is noted.

Respectfully submitted,

  
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